

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Meeting

October 11, 2002

John A. Stephen, Assistant Commissioner of Safety is chairing the Board meeting today in place of Chairman Clegg, who could not attend today, per the direction of Commissioner Flynn. Chairman Stephen called the meeting to order at 10:07.

Attendance:

Mike Santa, Governors Commission on Disability
John Stephen, designee for the Department of Safety
Ray Cowan, Board of Engineers, licensed structural
Bill Smagula, Board of Engineers, licensed mechanical
Jerry Tepe, Board of Architects, licensed architect
Ken Andrews, NH Building Officials Assoc., municipal building official
Tyler Carlisle, Board of Engineers, licensed electrical engineer
Bob Longchamps, NH Electrical Contractors Business Assoc., licensed master electrician
Corey Landry, NH Assoc. of Fire Chiefs, municipal fire chief
Rick Swain, NH Plumbing and Mechanical Contractors Assoc., licensed master electrician
Tedd Evans, Board for licensing and regulation of plumbers, licensed master plumber
Fred Baybutt, Assoc. General Contractors, contractor non-residential
Wes Golomb, State energy conservation code office
Med Kopczynski, NH Municipal Association

Adoption of Minutes:

July meeting - no additional changes were noted.
August - Rep Clegg named a sub-committee. It was not mentioned in the minutes. The name of the committee **Height and Area sub-committee**. He appointed Ken Andrews to chair this sub-committee, with Jerry Tepe, Medard Kopczynski, and Chief Lambert.
September - Error was noted on the meeting time to start for this October meeting. It states 9:00 when it should be 10:00.
With those changes in mind - Tyler Carlisle made the **motion** to accept the minutes and seconded by Ken Andrews. No further discussion was made. Vote was unanimous.

Report on Status of Board Interim Rules:

The Chairman reported that he checked with our attorneys here on Rules, and currently our Organizational Rules are in the preliminary interim rule phase. This phase will entertain comments. The Department of Justice (DOJ) 800 series is the Rule that would apply if we were to conduct hearings regarding appeals from the Fire Marshal's ruling. The law is in effect today. If the appeals come to the Building Code Review Board, they will first come to the Commissioner. All members will be notified, and the DOJ 800 series Rules would apply.

The Chairman cautioned members to not engage in ex parte communications during the pendency of a matter before the Board. Appeals of variances and decisions made by the State Fire Marshal, which is part of the Department of Safety. To keep separate, and to insure we have full and fair hearings, board members have to make sure they DO NOT discuss in an ex parte manner outside the Board hearings, issues that relate to that particular appeal issue, with ANY member of the Fire Marshal's office, or, for that matter, ANY member outside the public hearing process.

Proposed Amendments to the State Fire Code:

The only issue brought up by this Board is the electronic filing of Fire Reports. That was removed. The Legislative Committee did not think it was consistent with applicable law. Those Rule changes were accepted by the Commissioner.

Report on Height and Area Limitations sub-committee:

Ken Andrews said the sub-committee has met a couple of times this past month. This sub-committee is focusing on comparisons between the new State Building Code and the Height and Area Tables of the present Fire Code. The committee is progressing very well - but is not ready at this time to do a report.

Presentation on State-Wide Snow Load Tables:

Ray Cowan introduced Jeff Tyree one of the authors and participants in this study and in the report, and is the Chairman of the state's Snow Load Committee for Structural Engineers of NH. Jeff spoke about how the snow load value is derived throughout the state.

Ray Cowan made a **motion** to adopt the case study values, developed in the Ground Snow Loads for New Hampshire study as the standard for establishing piece of g, ground snow loads in NH. Wes Golomb seconded the motion.

Discussion: Jerry Tepe questioned what is meant by the word 'adoption'. If by adopting all these values means it modifies the State Code, he would be against it. His approach would be along the lines of what the ASPG has done according to the presentation when they put it into a commentary form, that we certainly would endorse this study that it is a resource available to structural engineers throughout the state. But that if a given project can be done within the parameters of the Code, and the map areas, meets the elevation requirements therein, they be permitted to use that.

Discussion: Ken Andrews said it would help but is not convinced that it should be included as strict '**text**' within the body of the code. It sets a standard that may be unattainable, in mass manufacturing type of situation. Code officials have used this study.

Discussion: Med Kopczynski questioned the term 'adopt'. Discussion ensued on whether it is going to be adopted as a free standing Code, or free standing Standard, or if this is an Amendment to the Building Code.

Chairman Stephen stated that we do not have the clear authority right now to adopt changes to the State Building Code. Our Rules procedures on adopting changes first have to be outlined in Rules. There are 3 different phases in Rules; Organizational Structure, Procedural Hearing Rules, and Rules to Amend the existing State Building Code. We are still waiting for a legal interpretation on the enactment of the Code. However, the Committee can make other recommendations/motions such as legislation. And, there can be a Rule change. The proposal would come from this Board, then they are subject to a Public Hearing. Then they must be brought before the Legislature within 2 years. John Stephen recommended that either the Board take action to set up a Committee to review this matter and report back to this Board, to determine whether the Board should take action on implementing changes to the Building Code, or suggest that the Fire Marshal's office consider this as an amendment to the State Fire Code.

Discussion: Ray Cowan stated that we are looking at this as a Standard, to go along with the Code as written. Ray changed his motion to the word recommend instead of the word adopt. This was considered as a motion to amend the prior motion and it was properly seconded. The motion to

amend passed and the following case study is recommended as a standard:

Cold Regions Research and Engineering Laboratory

ERDC/CRREL TR-02-6

Ground Snow Loads for New Hampshire

US Army of Corps of Engineers

February 2002

Ray Cowan's original motion to adopt the snow load case studies as part of the state-wide building code was therefore defeated by a unanimous vote.

Reminder:

The next Board meeting will be on December 13, 2002